

110TH CONGRESS
1ST SESSION

S. 306

To provide certain requirements for hydroelectric projects on the Mohawk River in the State of New York, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 16, 2007

Mr. SCHUMER introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To provide certain requirements for hydroelectric projects on the Mohawk River in the State of New York, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Mohawk River Hydro-
5 electric Projects Licensing Act of 2007”.

6 **SEC. 2. LICENSING OF MOHAWK RIVER HYDROELECTRIC**
7 **PROJECTS.**

8 (a) IN GENERAL.—If a hydroelectric project on the
9 Mohawk River in the State of New York has been oper-
10 ating under annual licenses for 10 or more years, the Fed-

1 eral Energy Regulatory Commission (referred to in this
 2 Act as the “Commission”), shall not issue a new license
 3 for the project until the Commission issues a public notice
 4 that the Commission will accept other valid license appli-
 5 cations, including nonpower license applications under sec-
 6 tion 15(f), to develop or dispose of the project works or
 7 water resources subject to the license. If other valid license
 8 applications are submitted in accordance with subsection
 9 (b) or if the Commission has issued a new license that
 10 is not yet final, the Commission shall not issue or accept
 11 a new license for the project until the Commission ap-
 12 proves a project in accordance with subsection (c).

13 (b) APPLICATION REQUIREMENTS.—To be valid, a li-
 14 cense application submitted under subsection (a) shall
 15 be—

16 (1) in an appropriate form, as determined by
 17 the Commission, in accordance with regulations of
 18 the Commission; and

19 (2) submitted to the Commission not later than
 20 July 31, 2007.

21 (c) PROCESSING; APPROVAL.—As soon as practicable
 22 after July 31, 2007, the Commission shall—

23 (1) expeditiously process any pending valid li-
 24 cense applications in accordance with subsections (a)

1 and (c) of section 15 of the Federal Power Act (16
2 U.S.C. 808); and

3 (2) approve a project supported by a valid li-
4 cense application and issue a license only if the
5 Commission determines that the licensed project will
6 best develop the affected water resources, consistent
7 with section 10(a) of the Federal Power Act (16
8 U.S.C. 803(a)).

9 (d) LICENSE CONDITIONS.—Any new power license
10 issued for a project described in subsection (a) shall in-
11 clude the same license conditions relating to the use of
12 affected waters provided in articles 32 and 33 of the li-
13 cense included in Potomac Light & Power Company,
14 Project No. 2343, 32 F.P.C. 584, 588 (1964).

15 (e) APPLICABILITY.—This Act shall be applicable to
16 any hydroelectric project as described in section 2(a)
17 above, including a project for which a new license has been
18 issued at the time of this Act but which has not yet be-
19 come final under law, or for which there are pending judi-
20 cial appeals, or for which the time has not yet lapsed for
21 filing such appeals, or for which there is a pending appeal
22 of the Clean Water Act section 401 Water Quality Certifi-
23 cate. For all such projects, the Commission shall take all
24 necessary action to provide an opportunity for the filing
25 and consideration by the Commission of all valid license

1 applications by any entity, including the current licensee,
2 to update the record and application, consistent with this
3 section, so that the fullest use of the waters of the Mohawk
4 will result, consistent with the standards of sections 4(e),
5 10(a)(1), and 15(a) of the Federal Power Act.

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